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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,021	03/12/2001	Mark Thomas Johnson	PHNL 000099	8873

24737 7590 03/09/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

ZAMANI, ALI A

ART UNIT	PAPER NUMBER
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2674

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DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,021

Applicant(s)

JOHNSON ET AL.

Examiner

Ali A. Zamani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youngquist et al. (US Pat. No. 6,549,179 B2) .

In regard to claim 1, Youngquist et al. disclose a display device (16) comprising electroluminescent pixels (18) and a drive element comprising for providing the pixels with the desired adjustments, characterized in that correction means comprise at least one reference photosensor (24). Furthermore, Youngquist et al. disclose a circuit (22) which includes an aperture (24) for a photosensor used to sense ambient light levels and thus provide feedback control to the desired brightness level for the display in different ambient light conditions (Fig. 2, col. 4, lines 33-35). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize youngquist's photosensor as configured in Fig. 2 in order to sense ambient light levels and to provide the desired brightness. One would have been motivated in view of Youngquist that the photosensor is functionally equivalent to the desired photosensor, which shields radiation.

As to claim 4, Youngquist et al. teach the display device, wherein the drive element comprises means for performing computing operations on photo current values obtained via the reference photosensors (see Figs 2-4, col. 7, lines 26-30).

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As to claim 5, Youngquist et al. disclose a functional unit of which the reference photosensors form part (see Fig. 1).

In regard to claims 6-8, Youngquist et al. disclose dot-matrix display which each light output dot from the central portion of each LED is thus organized along rows and columns wherein the light output dots from adjacent rows are offset with respect to one another and a reference photosensor (24) (see Fig. 2)

Claims 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youngquist et al. in view of Schofield et al. (US Pat. No. 6,559,435).

In regard to claims 9 and 15, Youngquist et al. are discussed above. Youngquist et al. substantially teach the above claimed limitations except for teaching a "computing unit operably connected to receive signals from the reference photosensors and operably connected to the drive element, wherein the drive element adjusts the electroluminescent of the electroluminescent pixels based on signals from the computing unit. However, Schofield et al. disclose a vehicle headlight dimming control (12) made up of an imaging sensor module (14) includes an optical device (36) such as a lens, , light-sensing array (38), light-sensing array sensor (36) includes a plurality of photosensor elements (42) arranged in a matrix (Fig. 4), ambient detection circuit (84) samples a subset of photosensors elements and detects light levels which is supplies as an input to a lighting control (90). Furthermore, each photosensor element (42) is connected to a common word-line (44) to access the photo sensor array; a vertical shift register (46) generates word-line signals to each word-line (44) from the computing unit (13). Thus, it would have been obvious to one of ordinary skill in the art to utilize the computing unit (13) into LED display

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device of Youngquist et al. to provide a display device with electroluminescent pixels means for providing the pixels with desired adjustments.

In regard to claims 10-12 and 16-17, Schofield et al. disclose photosensors array, which are detachable from the display, and the computing unit (13a) control the drive unit (16) (40, 52) based on light sensed by the reference photosensors (see Figs 4 and 5).

In regard to claims 13-14 and 18, Schofield et al. disclose photoarray sensors, such as CMOS and CCD arrays (see col. 3, lines 10-12) and (Fig. 3).

In regard to claims 19 and 20, Youngquist et al. disclose a packed dot-matrix display (two-dimensional dot-matrix) (see fig. 2, col. 4, lines 26-43).

Response to Arguments

Applicant's arguments filed on 08-22-03 have been fully considered but they are not persuasive.

On page 1, Applicant argues that at most, Youngquist teaches that reference photosensors may be used, but Youngquist does not teach or suggest that the reference photosensors are a part of correction means. However, Examiner disagrees because Youngquist discloses a circuit (22) which includes an an aperture (24) for a photosensor (see Fig. 2) used to sense ambient light levels and provides feedback control to the desired brightness level for the display in different ambient light conditions (col. 4, lines 33-35). The photosensor (24) is functionally equivalent to the desired photosensor, which shields radiation (see Figs 2-4). Therefore, the previous office action is maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hunter, Yu et al. are made of record to show various types of active matrix light emitting diode display with one reference photosensor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Zamani whose telephone number is (703) 308-6414. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe, can be reached on (703) 305-4709.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

February 25, 2004

Ali Zamani



**RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**